

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE CITY OF NEW YORK,

Plaintiff,

Civil Action No. 12 cv 4838

-against-

ROBERT GORDON, d/b/a ALL OF OUR BUTTS;
MARCIA GORDON; JOHN DOES 1-5, being persons
who own, are employed by or are associated with ALL OF
OUR BUTTS; REGIONAL INTEGRATED LOGISTICS,
INC., d/b/a REGIONAL PARCEL SERVICES; and JOHN
DOES 6-10, being persons who own, are employed by or
are associated with Regional Integrated Logistics, Inc. d/b/a
Regional Parcel Services,

NOTICE OF MOTION
TO DISMISS COMPLAINT

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed Declaration of Adam J. Rader,
dated November 30, 2012 and the exhibits annexed thereto; the accompanying Memorandum Of
Law In Support Of Motion Of Defendants Robert Gordon d/b/a All Of Our Butts and Marcia
Gordon To Dismiss the Amended Complaint and In Opposition To Plaintiff's Motion For A
Preliminary Injunction dated November 30, 2012; and all other pleadings and proceedings
Defendant Robert Gordon, d/b/a All Of Our Butts and Defendant Marcia Gordon will move this
Court, before the Honorable Jesse M. Furman, United States District Judge, in the courthouse at
500 Pearl Street, Courtroom 26A, New York, New York 10007, for an Order:

- 1) Dismissing the Complaint, with prejudice, for failure to state a claim, Fed.R.Civ.P.
12(b) (6); and
- 2) Granting such other and further relief as the Court deems just and reasonable.

Dated: New York, New York
November 30, 2012

ANDERSON KILL & OLICK, P.C.
1251 Avenue of the Americas
New York, New York 10020
(212) 278-1000

By: /s/ Adam J. Rader
Michael A. Lacher. (ML 8229)
Adam J. Rader (AR 3530)
Attorneys for Defendants Robert Gordon,
d/b/a All Of Our Butts and Marcia Gordon